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17 Attorneys for Defendant

18 WELLS FARGO BANK, N.A., successor by merger with

19 Wells Fargo Bank Southwest, N.A. f/k/a/ Wachovia

20 Mortgage, FSB f/k/a World Savings Bank, FSB

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

23 ROBERT TUCK, PATRICIA BERKOWITZ,

24 Plaintiffs,

25 vs.

26 WELLS FARGO HOME MORTGAGE; NDEX
27 WEST, LLC; DOES 1 through 50, inclusive,

28 Defendants.

Case No. 4:12-CV-04002-DMR

[Assigned for all purpose to Magistrate Judge
Donna M. Ryu]

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
INITIAL DISCLOSURES AND
[PROPOSED] ORDER AS MODIFIED**

1 This stipulation is entered into by and between Plaintiffs Robert Tuck and Patricia
2 Berkowitz ("Plaintiffs") and Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), through their
3 counsel of record, with regard to the following:

4 **RECITALS**

- 5 A. On July 26, 2012, Plaintiffs filed the Complaint in the above-entitled action.
- 6 B. A Case Management Conference was scheduled for October 11, 2012 at 11:00 a.m.
- 7 C. On October 2, 2012, the Parties stipulated to continue the Case Management
8 Conference to December 12, 2012 and to continue the deadline to file the Rule 26(f) Report, initial
9 disclosures, objections to the Rule 26(f) report, and the Joint Case Management Statement to
10 December 5, 2012.
- 11 D. On October 3, 2012, the Court issued an order granting the stipulation as modified.
- 12 E. Pursuant to the Court's order the Case Management Conference was rescheduled to
13 November 21, 2012 at 1:30 p.m.
- 14 F. On November 6, 2012, the Court issued an order continuing the Case Management
15 Conference to November 29, 2012 at 11:00 a.m.
- 16 G. The hearing on Wells Fargo's Motion to Dismiss the Complaint and Plaintiffs'
17 Order to Show Cause Why Preliminary Injunction Should Not Issue ("OSC") is currently
18 scheduled for November 29, 2012 at 11:00 a.m.

19 **STIPULATION**

20 The parties hereby agree that it is premature to hold the Case Management Conference on
21 November 29, 2012, in light of Wells Fargo's pending Motion to Dismiss and Plaintiffs' pending
22 OSC which are scheduled to be heard the same day as the November 29, 2012 Case Management
23 Conference.

24 The parties hereby agree that the November 29, 2012 Case Management Conference
25 should be continued to allow time for the action to become at issue and thus allow the parties to
26 meaningfully and productively confer regarding further proceedings, including the setting of
27 discovery, pre-trial and trial deadlines and dates.

28

1 For the same reasons, the parties also wish to continue the last day to complete initial
2 disclosures or state objections to such in a Federal Rule of Civil Procedure Rule 26(f) ("Rule 26")
3 Report, to file and serve a Case Management Statement, to file and serve a Rule 26(f) Report, to
4 file and serve an ADR Certification, and to file and serve a Stipulation to ADR Process or Notice
5 of Need for ADR Phone Conference.

6 WHEREFORE, the parties hereby stipulate and request as follows:

7 1. The Case Management Conference presently scheduled for November 29, 2012 be
8 continued to December 12, 2012, and that the related dates for the initial disclosures or state
9 objections to such in a Federal Rule of Civil Procedure Rule 26(f) ("Rule 26") Report, to file and
10 serve a Case Management Statement, to file and serve a Rule 26(f) Report, to file and serve an
11 ADR Certification, and to file and serve a Stipulation to ADR Process or Notice of Need for ADR
12 Phone Conference be continued accordingly.

13 2. In the alternative, the Parties stipulate that the deadline to complete initial
14 disclosures or state objections to such in a Federal Rule of Civil Procedure Rule 26(f) ("Rule 26")
15 Report and file and serve a Rule 26(f) Report be continued to December 5, 2012.

16 **AGREED TO AND ACCEPTED BY:**


17 Dated: November 19, 2012

18 ALLEN MATKINS LECK GAMBLE
19 MALLORY & NATSIS LLP

20 By: /s/ Josi Kennon Swonetz
21 JOSI KENNON SWONETZ
22 Attorneys for Defendant
23 WELLS FARGO BANK, N.A., successor by
merger with Wells Fargo Bank Southwest,
N.A. f/k/a/ Wachovia Mortgage, FSB f/k/a
World Savings Bank, FSB

24 Dated: November 19, 2012

CAMACHO & ASSOCIATES

25 By: 
26 CHRISTOPHER J. BUNCH
27 Attorneys for Plaintiffs
28 Robert Tuck and Patricia Berkowitz

~~PROPOSED~~ ORDER AS MODIFIED

Good cause appearing, it is so ordered as follows:

1. The Case Management Conference currently scheduled for November 29, 2012 is continued to December ¹⁹~~12~~, 2012 at ^{1:30 p.m.}~~11:00 a.m.~~ and that the related dates for the initial disclosures or state objections to such in a Federal Rule of Civil Procedure Rule 26(f) ("Rule 26") Report, to file and serve a Case Management Statement, to file and serve a Rule 26(f) Report, to file and serve an ADR Certification, and to file and serve a Stipulation to ADR Process or Notice of Need for ADR Phone Conference are continued accordingly.

2. The deadline to complete initial disclosures or state objections to such in a Rule 26 Report and file and serve a Rule 26(f) Report is continued to December ¹²~~5~~, 2012.

IT IS SO ORDERED.

Dated: Nov. 20, 2012

Hon. Donna M. Ryu
Magistrate Judge, United States District Court

